

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN RE:

MADELINE RIVERA BRUNO
DEBTOR

BANCO POPULAR DE PUERTO RICO
MOVANT

VS.

MADELINE RIVERA BRUNO
JOSE R. CARRION MORALES, TRUSTEE
RESPONDENTS

CASE NO: 14-02328 MCF

CHAPTER: 13

Index ____

Lift of Automatic Stay for Cause under
11 USC §362 (d) (1)

MOTION FOR RELIEF OF THE AUTOMATIC STAY UNDER 11 USC §362

TO THE HONORABLE COURT:

Comes now secured creditor, BANCO POPULAR DE PUERTO RICO, and through the undersigned counsel respectfully alleges and prays as follows:

1. This Honorable Court has jurisdiction over the present controversy pursuant to 28 U.S.C., §157, 1334 and 11 U.S.C., §362.
2. Debtor owes Creditor a claim of \$79,667.60 as debtor in a loan mortgage agreement.
3. Debtor's payment plan indicates that debtor is obliged to maintain regular post petition payments directly to creditor.
4. Debtor has not complied with the terms of said payment plan since at the moment of filing of this motion debtor is behind in his/her direct payments to Creditor, for a total arrearage of \$3,472.80, which includes \$2,426.73 in post petition payments (the equivalent of 3 months), and \$1,046.07 for legal fees & costs. This amount will continue to increase as payments become due. Debtor also has not provided adequate assurance to Creditor of his/her ability to comply with the Plan, which Debtor has breached.
5. Attached to this motion is a Statement of Account of the loan agreement.
6. Debtor's next due date payment for the loan agreement is November 1, 2014.

7. Debtor's failure to comply with the payment plan with Creditor constitutes cause for the lifting of the automatic stay in favor of movant.

8. Debtor is not on active military duty as evidenced by the Declarations of Servicemen's Civil Relief Act of 2003, which accompanies this motion.

9. Movant wishes to underscore that the amount claimed in post petition arrears in the instant motion is the amount owed on a specific date that is specified in the attached statement of account. Meanwhile, the loan obligation continues in force. Therefore, unless debtor makes payments of the amounts that become due in the future, the amount of arrears owed to movant will inevitably increase.

WHEREFORE, Creditor respectfully requests from the Honorable Court authorize the lifting of the automatic stay in favor of Creditor.

RESPECTFULLY SUBMITTED,

In San Juan, Puerto Rico, this 15th day of October 2014.

NOTICE IS HEREBY GIVEN THAT IF NO WRITTEN REPLY OR OPPOSITION IS FILED AND SERVED WITHIN FOURTEEN (14) DAYS FROM DATE OF ISSUANCE OF SUMMONS, THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT HEREIN.

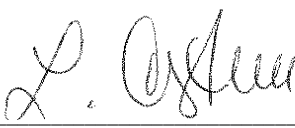
CERTIFICATE OF SERVICE

I hereby certify that on the same date above I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following: Chapter 13 Trustee JOSE R. CARRION MORALES (newecfmail@ch13-pr.com) and debtor's attorney ROBERTO FIGUEROA-CARRASQUILLO (cmecf@rfclawpr.com).

/s/ Juan C. Fortuño Fas
JUAN C. FORTUÑO FAS
USDCPR 211913
Counsel for Creditor
P.O. BOX 9300 SANTURCE, PR 00908
TEL: [787] 751-5290 / FAX: [787] 751-6155
E-MAIL: bkbppr@fortuno-law.com

/arr

STATEMENT OF ACCOUNT

DEBTOR:		MADELINE RIVERA-BRUNO		BPPR NUM:		0701120826	
BANKRUPTCY NUM:		14-02328MCF		FILING DATE:		05/26/14	
SECURED LIEN ON REAL PROPERTY							
Principal Balance as of						08/01/14	
						76,766.91	
Accrued Interest from						07/01/14 to 10/31/14	
						2,143.08	
Interest:		8.375%		Accrued num. of days:		120	
				Per Diem:		17.858969	
Monthly payment to escrow							
Hazard		\$0.00		Taxes		\$0.00	
A&H		\$0.00		Life		\$0.00	
		\$0.00		Months in arrears		3	
				Escrow in arrears		0.00	
				Accrued Late Charge:		574.56	
				Projected Late Charge:			
Advances Under Loan Contract:							
Title Search		\$50.00		Tax Certificate		\$0.00	
Other		\$25.00		Inspection		\$0.00	
						75.00	
Legal Fees:						650.00	
Total amount owed as of						10/31/14	
						80,209.55	
AMOUNT IN ARREARS							
PRE-PETITION AMOUNT:							
0 payments of \$773.00 each one						0.00	
accumulated lated charges						466.83	
Advances Under Loan Contract:							
Title Search		\$50.00		Tax Certificate		\$0.00	
Other		\$25.00		Inspection		\$0.00	
						75.00	
Legal Fees						650.00	
A = TOTAL PRE-PETITION AMOUNT						1,191.83	
POST-PETITION AMOUNT:							
3 payments of \$773.00 each one						2,319.00	
Late Charge						107.73	
B = TOTAL POST-PETITION AMOUNT						2,426.73	
A + B = TOTAL AMOUNT IN ARREARS						3,618.56	
OTHER INFORMATION							
Next pymt due		07/01/14		Interest rate		8.375%	
				P & I		\$718.27	
				Monthly late charge		\$35.91	
Investor		BANCO POPULAR OF PUERTO RICO		Property address			
				CAGUITAS CENTRO CARR 777 KM 2.2 AGUAS BUENAS PR 00703			
<p>The subscribing representative of Banco Popular de Puerto Rico declares under penalty of perjury that according to the information gathered by Banco Popular de Puerto Rico the foregoing is true and correct.</p> <p></p>							
BANCO POPULAR DE PUERTO RICO						10/09/14	
						DATE	



Status Report
 Pursuant to Servicemembers Civil Relief Act

Last Name: RIVERA-BRUNO
 First Name: MADELINE
 Middle Name:
 Active Duty Status As Of: Oct-15-2014

On Active Duty On Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects the individuals' active duty status based on the Active Duty Status Date			

Left Active Duty Within 367 Days of Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects where the individual left active duty status within 367 days preceding the Active Duty Status Date			

The Member or His/Her Unit Was Notified of a Future Call-Up to Active Duty on Active Duty Status Date			
Order Notification Start Date	Order Notification End Date	Status	Service Component
NA	NA	No	NA
This response reflects whether the individual or his/her unit has received early notification to report for active duty			

Upon searching the data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the status of the individual on the active duty status date as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard). This status includes information on a Servicemember or his/her unit receiving notification of future orders to report for Active Duty.

Mary M. Snavelly-Dixon

Mary M. Snavelly-Dixon, Director
 Department of Defense - Manpower Data Center
 4800 Mark Center Drive, Suite 04E25
 Arlington, VA 22350

UNITED STATES BANKRUPTCY COURT		DISTRICT OF PR		Proof of Claim	
Name of Debtor MADELINE RIVERA BRUNO		Case Number 14-02328 CH. 13 MCF		THIS SPACE IS FOR COURT USE ONLY	
NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A "request" for payment of an administrative expense may be filed pursuant to 11 U.S.C § 503.					
Name of Creditor (The person or other entity to whom the debtor owes money or property): BANCO POPULAR DE PUERTO RICO PO BOX 362708 SAN JUAN PR 00936 (#504027)		<input type="checkbox"/> Check box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars. <input type="checkbox"/> Check box if you have never received any notice from the bankruptcy court in this case. <input type="checkbox"/> Check box if the address differs from the address on the envelope sent to you by the court.			
Account or other number by which creditor identifies debtor: xx-xxx-xxx-xxx0358		Check here if this claim <input type="checkbox"/> replaces a previously filed claim, dated: _____ <input type="checkbox"/> amends			
1. Basis for Claim <input type="checkbox"/> Goods sold <input type="checkbox"/> Services performed <input checked="" type="checkbox"/> Money Loaned <input type="checkbox"/> Personal Injury/wrongful death <input type="checkbox"/> Taxes <input type="checkbox"/> Other _____			<input checked="" type="checkbox"/> Retiree benefits as defined in 11 U.S.C § 1114(a) <input checked="" type="checkbox"/> Wages, salaries, and compensation (fill out below) Last four digits of your SS#: _____ Unpaid compensation for services performed from _____ to _____ <div style="text-align: center;">(date) (date)</div>		
2. DATE DEBT WAS INCURRED:		3. IF COURT JUDGMENT, DATE OBTAINED:			
4. Classification of Claim. Check the appropriate box or boxes that best describe your claim and state the amount of the claim at the time case filed. See reverse side for important explanations.					
Unsecured Nonpriority Claim \$ _____ <input type="checkbox"/> Check this box if: a) there is no collateral or lien securing your claim, or b) your claim exceeds the value of the property securing it, or if c) none or only part of your claim is entitled to priority.			Secured Claim <input checked="" type="checkbox"/> Check this box if your claim is secured by collateral (including a right of setoff). Brief Description of Collateral: <input checked="" type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other _____ <input checked="" type="checkbox"/> Value of Collateral: \$ <u>Not Yet Determined</u> Amount of arrearage and other charges at time case filed included in secured claim, if any: \$ <u>1,191.83</u>		
Unsecured Priority Claim <input type="checkbox"/> Check this box if you have an unsecured claim, all or part of which is entitled to priority. Amount entitled to priority \$ _____ Specify the priority of the claim: <input type="checkbox"/> Domestic support obligations under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B) <input type="checkbox"/> Wages, salaries, or commissions (up to \$10,000), * earned within 180 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier – 11 U.S.C. § 507(a)(4). <input type="checkbox"/> Contributions to an employee benefit plan – 11 U.S.C § 507(a)(5).			<input type="checkbox"/> Up to \$2,225* of deposits toward purchase, lease or rental of property or services for personal, family, or household use – 11 U.S.C. § 507(a)(7). <input type="checkbox"/> Taxes or penalties owed to governmental units – 11 U.S.C. § 507(a)(8). <input type="checkbox"/> Other – Specify applicable paragraph of 11 U.S.C. § 507(a)(____). <i>*Amounts are subject to adjustment on 4/1/07 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.</i>		
5. Total Amount of Claim at Time Case Filed: <div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div style="text-align: center;">\$</div> <div style="text-align: center;">79,667.60</div> <div style="text-align: center;">79,667.60</div> </div> <div style="display: flex; justify-content: space-between; align-items: center; margin-top: 5px;"> <div style="text-align: center;">(unsecured)</div> <div style="text-align: center;">(secured)</div> <div style="text-align: center;">(priority)</div> <div style="text-align: center;">(Total)</div> </div>					
<input checked="" type="checkbox"/> Check this box if claim includes interest or other charges in addition to the principal amount of the claim. Attach itemized statement of all interest or additional charges.					
6. Credits: The amount of all payments on this claim has been credited and deducted for the purpose of making this proof of claim. 7. Supporting Documents: Attach copies of supporting documents, such as promissory notes, purchase order, invoices, itemized statements of running accounts, contracts court judgments, mortgages, security agreements, and evidence of perfection of lien. DO NOT SEND ORIGINAL DOCUMENTS. If documents are not available, explain. If the documents are voluminous, attach a summary. 8. Date-Stamped Copy: To receive an acknowledgment of the filing of your claim, enclose a stamped, self-addressed envelope and copy of this proof of claim.				THIS SPACE IS FOR COURT USED ONLY	
DATE: 05/01/2014 Sign and print the name and title, if any, of the creditor or other person authorized to file. This claim (attach copy of power of attorney, if any): <div style="text-align: center;">/s/JUAN C. FORTUÑO FAS, ESQ.</div>					
Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.					